
Appeal Decision

Site visit made on 24 August 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2020

Appeal Ref: APP/M3645/D/20/3252341

41 Stoneleigh Road, Limpsfield RH8 0TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Kelly against the decision of Tandridge District Council.
 - The application Ref TA/2020/499, dated 9 March 2020, was refused by notice dated 6 May 2020.
 - The development proposed is erection of detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garage at 41 Stoneleigh Road, Limpsfield RH8 0TP in accordance with the terms of the application Ref TA/2020/499, dated 9 March 2020, subject to the following conditions: -
 - a) The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision.
 - b) The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: Block Plan and Drawing 1 Revision A.
 - c) The materials to be used for the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved materials.
 - d) Within 1 month of the commencement of development a scheme of landscaping comprising evergreen vegetation, its implementation and retention shall be submitted to and approved in writing by the local planning authority. Any vegetation which within a period of 10 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

Preliminary Matter

2. The appeal site has been subject to a previous refused planning permission and dismissed appeal¹ for the erection of a garage. This proposal differs to that of

¹ Planning Ref: TA/2019/1113 & Appeal Ref: APP/M3645/D/19/3241040

the previous scheme in that it proposes a garage of lesser length reducing it from 13.5m to 12.2m, a decrease of 1.3m.

3. The Council's decision notice describes the development as the retention of a detached garage. At my visit I saw that a building had been erected, however I cannot be certain that the development that has taken place is of the same size as the garage illustrated upon the plans that are before me. I, therefore, have considered the proposal as a stand-alone development and have determined the appeal on the basis of the plans that are before me.

Main Issues

4. The main issues are: -
 - a) Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - b) The effect of the proposal on the openness of the Green Belt;
 - c) The effect of the proposal on the character and appearance of the area; and
 - d) Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

5. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (the Local Plan) sets out that planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused.
6. Notwithstanding the above, Policy DP14 of the Local Plan recognises that there will be circumstances where new domestic buildings in the curtilage of dwellings located within the Green Belt (outside of Defined Villages) that are not 'permitted development' would be a reasonable addition to the domestic use of the property. Such development will be permitted provided they comply with the criteria set out in this policy. The pre-ambles to this policy states that compliance with the policy would in effect constitute 'very special circumstances'.
7. The first criterion of Policy DP14 requires that the ancillary building would not constitute a dominant feature and not be excessive in size having regard to the size of the dwelling it is to serve.
8. The building would be a large outbuilding and would span almost the full width of the plot. I saw that the land at the foot of the garden has been excavated to accommodate the existing building that has been erected. At my visit I also observed that vegetation has established within the appeal site along the boundaries around the rear of the site. This vegetation largely screens the existing building that has been erected at the foot of the garden in views from the access road and parking area. I consider this to be a significant change in circumstances to that which was before the previous Inspector. It appears to me that the proposed building could be accommodated at the appeal site within

the establishing vegetation and that the vegetation would screen its visibility in views from outside the appeal site. As a result, I do not consider the proposed building would appear as a dominant feature as it would not be readily visible outside of the appeal site.

9. The proposed garage would not significantly reduce the size of the garden relating to No 41, even with the extension to the dwelling and the other garage, and the garden would remain of comparable size to that of other rear gardens in the area. The garage would not be excessive in size having regard to the dwellinghouse that it would serve.
10. I consider the proposal would comply with the first criterion of Policy DP14.
11. Turning to the other criteria of Policy DP14, being set with in a suburban setting the proposed garage would not impact the rural landscape. It is not proposed to replace an existing garage that has been converted to residential use and the garage is proposed as incidental to the dwelling's domestic use. The proposal would, therefore, comply with criteria two, three and four of Policy DP14.
12. The proposed garage would comply with all the criteria set out under Policy DP14 of the Local Plan.

Openness

13. The Framework sets out that the essential characteristic of Green Belts is their openness and their permanence. The garage would be a large building that would reduce openness. However, the appeal site is surrounded by existing residential development and in this context the impact upon openness would be extremely modest.

Character and appearance

14. The previous Inspector commented that the area to the rear of No 41 is characterised by rear gardens and open parking areas with mature planting and modest outbuildings. From my own observations I would agree with this assessment. Whilst the garage would be taller than the other buildings in the vicinity and be visually more akin to a commercial or industrial building rather than a domestic outbuilding, the establishing vegetation would screen the building. This vegetation would enable the development to assimilate with the residential character of the vicinity and would prevent it from being harmfully visually out of keeping.
15. For these reasons, the garage would not be harmful to the character and appearance of the area. It would, therefore, not materially conflict with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Local Plan that seek, amongst other matters, development to be of a high standard of design.

Very special circumstances

16. Whilst not a form of development supported by the Framework or Policy DP10, as noted above, the pre-amble to Policy DP14 states that compliance with Policy DP14 would in effect constitute 'very special circumstances'. I have found that the proposed development would comply with the criteria set out in Policy DP14 of the Local Plan.

Other matters

17. The Council has referred to the Limpsfield Neighbourhood Plan within its Officer Assessment, although the Neighbourhood Plan has not been specifically cited within the Council's reasons for refusal. I have been provided with Policies LNP1 and LNP3 from the Neighbourhood Plan. However, given my findings above I do not consider there would be any significant conflict with these policies that set out the spatial strategy for the Parish and that seek high quality design.

Conditions

18. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the Framework and the advice in the Planning Practice Guidance.
19. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development be carried out in accordance with the approved plans. In the interests of the appearance of the area the details of the external materials to be used in the construction of the building should be agreed by the local planning authority. This condition is fundamental to the acceptability of the proposal and therefore is necessary to be agreed before development takes place. For those reasons set out further above, I consider a landscaping condition to be necessary to ensure that satisfactory evergreen planting would be established at the site and that it would be retained.

Conclusion

20. In complying with the criteria set out in Policy DP14 of the Local Plan and the absence of harm to the Green Belt and any other harm it is not necessary for me to consider whether there are any other considerations that weigh in favour of the proposal.
21. Having regard to my above findings the appeal should succeed.

Nicola Davies

INSPECTOR